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N279c

Nebraska Child Labor Law



ISSUED BY
STATE COMMISSIONER OF LABOR
LINCOLN, NEBRASKA



331.9
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RECEIVED
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HOUSE ROLL NO. 9.

AN ACT TO REGULATE THE EMPLOYMENT AND USE OF
CHILD LABOR, TO PROVIDE FOR THE ENFORCEMENT OF
ITS PROVISIONS, AND A PENALTY FOR ITS VIOLATION.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE
OF NEBRASKA:

174670
Lab. & Indus. State Board

Section 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, or in connection with, any theater, concert hall, or place of amusement, or any place where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling-alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, within this state. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during the hours when the public schools of the town, township, village or city in which the child resides are in session.

Section 2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any theater, concert hall or place of amusement, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling-alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor within this state, unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, the State Commissioner of Labor and his deputies, and the members of the State Board of Inspection, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one

conspicuously posted near the principal entrance of the building in which such children are employed. Upon the termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith transmitted by the employer to the city or county superintendent of schools of the county in which the child resides, and shall be turned over to the child named therein upon demand. Any truant officer, the State Commissioner of Labor, or his deputies, or any member of the State Board of Inspection may make demand on any employer in whose place of business a child apparently under the age of sixteen years, is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such place of business. The same evidence of the age of such child may be required from such employer as is required on the issuance of an employment certificate as hereinafter provided; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the truant officer, the State Commissioner of Labor, or Deputy State Commissioner of Labor, or member of the State Board of Inspection, within ten days after demand for the same, such evidence of the age of any child as may be required of him under the provisions of this act, and shall thereafter continue to employ such child or permit or suffer such child to work in such place of business, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence, in any prosecution brought for a violation of this section, that such child is under sixteen years of age and is unlawfully employed.

Section 3. An employment certificate shall be approved only by the superintendent of schools of the school corporation in which the child resides, or by a person authorized by him in writing, or where there is no superintendent of schools, by a person authorized by the school district officers: provided that no school district officer or other person authorized as aforesaid shall have authority to ap-

prove such certificate for any child then in or about to enter, his own employment, or the employment of a firm or corporation of which he is a member, officer or employee, or in whose business he is interested. The officer or person approving such certificate shall have authority to administer the oath provided for therein or in any investigation or examination necessary for the approval thereof. No fee shall be charged for approving any such certificate nor for administering any oath or rendering any service therein in respect thereto. The board of directors of each school corporation shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved and shall provide the necessary clerical service for carrying out the provisions of this act.

Section 4. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such child, properly filled out and signed as provided in this act, showing that the child has completed the work of the Eighth Grade of the public schools, or its equivalent, or is regularly attending night school in compliance with Section Eight (8) of this act. (2) A Passport, or duly attested transcript of the certificate of birth or baptism, or other religious or official record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child. (3) The affidavit of the parent, or guardian, or custodian of a child, which shall be required, however, only in case none of the documents mentioned in clause two (2) of this section can be produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate. Such employment certificate shall not be issued until such child has personally appeared before, and been examined by, the officer issuing the certificate and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that,

in his opinion the child is fourteen years of age, or upwards, and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health, or by a physician provided by the State Board of Inspection. Whenever the person authorized to issue the employment certificate is in doubt about the age of a child, he may require the party or parties making application for the certificate to appear before the judge of the juvenile court, or county judge, where the question of the age of the child shall be determined and the judgment of the court shall be final and binding upon the person issuing the certificate. Notice of the hearing before the court shall be given to some one of the persons mentioned in section two authorized to demand inspection of employment certificates. Every employment certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

.. Section 5. Such certificate shall state the date and place of birth of such child and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing said certificate and been examined.

Section 6. The school record required by section four shall be signed by the teacher and principal of the school which such child has attended and shall be furnished, on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public schools, or schools equivalent thereto, or parochial schools for not less than three-fourths of the school year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record, and is able to read and write simple sentences in the English language. It shall also state the amount of work completed by such child, measured by the grade of the public day schools in the city or county. Such school record shall also give the age and residence of the child as shown on

the records of the school and the name of its parent, or guardian, or custodian.

Section 7. The superintendent of schools, or the school directors of any village, town, or county, shall transmit between the first and tenth day of each month to the office of the State Commissioner of Labor a list of the names of the children to whom certificates have been issued.

Section 8. Regular attendance of a child at any public evening school, maintained in any city or village where instruction is given not less than twenty weeks each year and three evenings each week and two hours each evening, shall authorize the issuance of a certificate of employment where the schooling certificate fails to show that the child has completed the work of the eighth grade, required by section six; provided, the schooling certificate and all other certificates are otherwise in due form and the applicant further produces a certificate from the superintendent, or principal, of such public evening school, showing the regular attendance of such child at such evening school; and provided further, every child employed under such certificate shall furnish to his employer a weekly certificate showing regular attendance each week while the evening school is in session. Whoever employs a child in violation of the provisions of this section shall be fined not more than fifty dollars (\$50.00) for each offense. A parent, guardian or custodian who permits a child under his control to be employed in violation of the provisions of this section shall be fined not more than twenty dollars (\$20.00).

Section 9. The age and schooling certificate provided for herein shall be made out upon blank forms furnished by the State Commissioner of Labor and shall be in the following forms:

SCHOOL ATTENDANCE CERTIFICATE.

..... Nebraska,
 (Name of school) (city or town)
 190...
 (date)

This certifies that
 (name of child)

has completed the work of the th grade, can read and write legibly simple sentences in the English language.

This also certifies that according to the records of this school and in my belief, the said.....was
(name of child)

born at in county,
(city or town)

state of on the and is
(date)

now years and..... months old,

and has attended said school within the past twelve months the following period

(name of parent or guardian)

(residence)

(Signature) Teacher

(Signature) Principal

AGE AND SCHOOLING CERTIFICATE.

..... Nebraska, ... 190...
(city or town) (date)

This certifies that I am the

..... of
(father, mother, guardian or custodian)

..... and that was
(name of child)

born at in county

state of on the

and is now years

months old

.....
(signature of father, mother, guardian or custodian)

..... Nebraska 190..
(name of city or town) (date)

There personally appeared before me the above named

..... and being sworn
(name of person signing)

testified that the foregoing certificate by
(him or her)

signed is true to the best of knowledge or belief.
(his or her)

I hereby approve the foregoing certificate of

....., height feet
(name of child)

..... inches, weight pounds ounces,
complexion hair eyes
(fair or dark) (color)

..... having no sufficient reason to doubt
(color)
that is of the age herein certified.
(he or she)

I hereby certify that
(he or she can or cannot)

read at sight and write
legibly simple sentences in the English language, that said child has
appeared before me and been personally examined by me; that all
certificates and paper required by law have, in due form, been pre-
sented to, and approved by, me and the same have been placed on file.

(In case the child is attending school insert here the following:)

I further certify that is regularly
(he or she)
attending the
(name of school)

This certificate shall continue in force only so long as the regular
attendance of said child at said school is certified weekly by a teacher
thereof.

This certificate belongs to
(name of child)

and is to be surrendered to the superintendent of schools whenever
 leaves the service of the person, firm
 (he or she)
 or corporation holding the same as employer.

.....
 (Signature and official title of person authorized to approve and sign.)

EVENING SCHOOL ATTENDANCE CERTIFICATE.

This certifies that is
 (name of child)
 registered in and regularly attends the
 evening school. This also certifies that according to the records of my
 school and in my belief
 (name of child)
 was born at on the
 (name of city or town)
 day of 190.... and is now
 old.

.....
 (Name of parent or guardian)

.....
 (Signature of teacher)

.....
 (Signature of principal)

Duplicate copies of such certificates shall be retained in all cases
 by the person or officer issuing the same and kept on file by the super-
 intendent of schools or school district directors of the county in which
 the same are issued.

Section 10. No person under the age of sixteen years shall be
 employed or suffered or permitted to work in any theater, concert
 hall, or place of amusement, or in any mercantile institution, store,
 office, hotel, laundry, manufacturing establishment, packing house,
 bowling alley, passenger or freight elevator, factory, workshop, beet
 field, or as a messenger or driver therefor, more than forty-eight
 hours in any one week, nor more than eight hours in any one day, nor

before the hour of six o'clock in the morning, no after the hour of eight o'clock in the evening. Every employer shall post in a conspicuous place in every room where such children are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the State Commissioner of Labor.

Section 11. Whoever employs a child under sixteen years of age and whoever, having under his control a child under such age, permits such child to be employed in violation of Section one (1), two (2), ten (10), or twelve (12) of this act shall for each offense be fined not more than fifty dollars (\$50.00); and whoever continues to employ any child in violation of either of said sections of this act, after being notified by a truant officer, or a Deputy Commissioner of Labor, or a member of the State Board of Inspection, shall for every day thereafter that such employment continues be fined not less than five (\$5.00) nor more than twenty dollars (\$20.00). The failure of an employer of child labor to produce, upon the request of a person authorized to demand the same, any employment certificate or list required by this act, shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not listed. Any corporation or employer retaining employment certificates in violation of Section 2 of this act shall be fined ten dollars (\$10.00). Every person authorized or required to sign any certificate or statement prescribed by Sections four (4) or five (5) of this act, or who knowingly certifies or makes oath to any material false statement therein or who violates either of said sections, shall be fined not to exceed fifty dollars (\$50.00). Every person, firm or corporation, agent or manager, superintendent or foreman of any person, firm or corporation who shall refuse admittance to any officer or person authorized to visit or inspect any premises or place of business under the provisions of this act and to produce all certificates and lists he may have, when demanded, after such person shall have announced his name and the office he holds and the purpose of his visit, or shall otherwise obstruct such officers in the performance

of their duties as prescribed by this act, shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding Fifty Dollars (\$50.00), or be imprisoned not to exceed thirty days. The presence of a child under sixteen years of age, apparently at work, in any of the places of business enumerated in Section One (1) of this act shall be prima facie evidence of his employment therein. It shall be the duty of the Deputy Commissioner of Labor and the several truant officers to enforce the provisions of this act and every county attorney, when informed by any officer or person authorized to inspect places where child labor is employed, that any of the provisions of this act have been violated, shall file or cause to be filed information against the person or persons guilty of such offense and cause the arrest and prosecution of the same. Provided, that nothing in this act shall prevent any other person from causing the enforcement of the provisions of this act. Truant officers shall visit the places of business enumerated in section one (1) of this act to ascertain whether any children are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the Commissioner of Labor and to the County Attorney.

Section 12. It is hereby made the duty of the governor, immediately upon the passage of this act, to appoint five persons, two, at least, of whom shall be women who shall constitute the Board of Inspectors and who shall serve without compensation. The term for which such inspectors shall serve is hereby made one, two, three, four and five years, respectively. The appointment shall designate the term for which each inspector is appointed. The governor shall, each year appoint one person to serve for a period of five years and shall also fill any vacancy on the board. The chairman shall be the executive head of the board and shall reside in the county employing the largest number of children under the age of sixteen years. Any member of the Board of Inspectors shall have power to demand the examination, by some regularly licensed physician, to be selected by the Board, of any child under sixteen years of age who may seem physically unable to perform the labor at which such child may be employed, and no child under sixteen shall be employed who cannot obtain a certificate of fitness from such physician.

Section 13. No child under the age of sixteen years shall be employed in any work which by reason of the nature of the work, or place of performance, is dangerous to life or limb or in which its health may be injured or its morals may be depraved. Any parent, guardian, or other person, who, having under his control any child, causes or permits said child to work or be employed in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than Fifty Dollars (\$50.00), or be imprisoned not exceeding ten days.

Section 14. All acts and parts of acts in conflict herewith are hereby repealed.

Section 15. Whereas an emergency exists, this act shall take effect and be in force from and after its passage and approval.

D. M. NETTLETON,
Speaker of House of Representatives.

Attest:

CLYDE BARNARD,
Chief Clerk of House of Representatives.

M. R. HOPEWELL,
President of Senate.

B. H. GOULDING,
Secretary of Senate.

Approved March 30th, 1907.

GEORGE LAWSON SHELDON,
Governor.

STATE OF NEBRASKA—ss.

I, Clyde Barnard, Chief Clerk House of Representatives, hereby certify that the within Bill originated in the House and passed the Legislature of the Thirtieth Session on the Twenty-sixth day of March, 1907.

CLYDE BARNARD,
Chief Clerk House of Representatives.





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